

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:03-00005

ROBERT HEBERT, JR.

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On November 10, 2011, the United States of America appeared by Thomas C. Ryan, Assistant United States Attorney, and the defendant, Robert Hebert, Jr., appeared in person and by his counsel, Mary Lou Newberger, Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Douglas W. Smith, the defendant having commenced a three-year term of supervised release in this action on October 18, 2007, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on June 13, 2003.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant committed the offense of attempt to deliver a controlled substance as evidenced by his guilty plea on June 22, 2009, in the Circuit Court of Kanawha County, West Virginia, for which he received a sentence of one to three years; (2) that the defendant failed to submit monthly reports for the months of June and December 2008; (3) that the defendant used and possessed cocaine as evidenced by a positive urine specimen submitted by him on July 22, 2008; and (4) that the defendant failed to abide by the special condition that he reside at Dismas Charities for a period of six months inasmuch as he entered the facility on June 24, 2011, and was terminated on September 19, 2011, for failing to comply with the rules and regulations of the facility; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

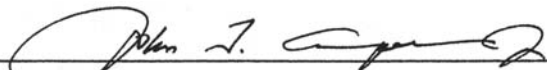
And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3553(a), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, to be followed by a term of thirty (30) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: November 17, 2011



John T. Copenhaver, Jr.
United States District Judge